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June 10, 2008

VIA FAX - 415-522-3636

Honorable Joseph C. Spero
U.S. Magistrate Judge
U.S. District Court
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102-2424

RE: Smith v. Stonebridge Life Insurance Company
Case No: C08-01466 JCS
Request for Telephonic Appearance at Case Management Conference

Dear Magistrate Spero:

This office represents plaintiffs in the above referenced case. Both plaintiffs' counsel and defendant's counsel jointly request leave to appear telephonically at the Case Management Conference scheduled for June 20, 2008 at 1:30 p.m. in your courtroom.

This case was originally filed in the Southern District and transferred to the Northern District upon defendant's motion. The motion was based on defendant's assertion that the Northern District was a more convenient forum for witnesses located in Eureka, California. Prior to being transferred, this case proceeded through an ENE Conference in front of Magistrate McCurine. Following the ENE Conference it was clear that the parties needed to resolve certain issues before any further settlement discussions would be fruitful. Thus, the parties agreed to initiate discovery limited primarily to the First Cause of Action for breach of insurance contract so that cross-motions for summary judgment on the first cause of action dealing with the coverage issues could be filed and resolved prior to proceeding on the bad faith issues, if necessary. Pursuant to this agreement and the initial discovery plan agreed to by the parties, the parties have exchanged their initial disclosures, have participated in two depositions and exchanged other formal discovery in the form of interrogatories, request for production and request for admissions.

The parties at this time are ready to file cross-motions on the coverage issues raised in plaintiffs' first cause of action for breach of the insurance contract.

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Plaintiffs' counsels' offices are located in San Diego, California and defendant's counsels' offices are located in Los Angeles, California. In light of the fact that the parties have been able to work together to try to resolve issues on the case, it is requested, for the convenience of the parties' counsel, that they be allowed to appear telephonically at the scheduled Case Management Conference. Currently the parties are working on a joint Case Management Conference Statement which will be filed next week.

Respectfully submitted,

JOHN P. STENNETT

JPS:ls

cc: Joseph E. Laska via 310-312-4224